

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL ANTHONY MOORE,

Plaintiff,

v.

GEORGE J. BETO, *et al.*,

Defendants.

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CIVIL ACTION No. H-07-3355

ORDER OF DISMISSAL

Michael Anthony Moore, a state inmate proceeding *pro se* and impliedly *in forma pauperis*, filed this civil action naming himself and several other inmates as plaintiffs. Only Moore signed the complaint. Because Moore is not a licensed attorney and may not represent other inmates, the Court construes Moore as the sole plaintiff.

Moore is not entitled to proceed *in forma pauperis* and this case will be dismissed. Under 28 U.S.C. § 1915(g), an inmate is not allowed to bring a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action or appeal which was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless he is under imminent danger of serious physical injury at the time suit is filed.

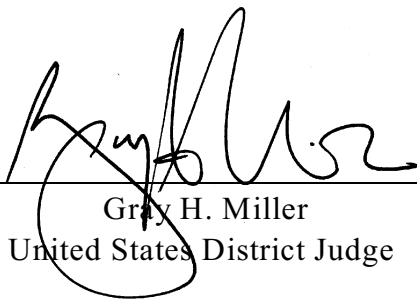
The Fifth Circuit Court of Appeals has barred Moore from proceeding *in forma pauperis* pursuant to section 1915(g). *See Moore v. Cockrell*, No. 01-40331 (5th Cir. 2001).

Moore's complaints in the instant lawsuit pertain to First Amendment rights, and he neither alleges nor shows that he is under any imminent danger of serious physical injury.

This complaint is DISMISSED pursuant to 28 U.S.C. § 1915(g). MOORE IS WARNED THAT HIS FILING OF FURTHER FRIVOLOUS LAWSUITS WILL RESULT IN THE IMPOSITION OF MONETARY AND OTHER SANCTIONS AGAINST HIM, INCLUDING AN ORDER PRECLUDING HIM FROM FILING ANY LAWSUITS IN THIS DISTRICT WITHOUT PRIOR AUTHORIZATION FROM A UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS. Moore may move within ten days to reopen this case upon payment of the \$350.00 filing fee in full.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas on October 17, 2007.



Gray H. Miller
United States District Judge